

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 240\***

**House Bill No. 1049**

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 10-7-503(d), is amended by deleting the subsection and substituting instead the following:

(d)

(1) As used in this subsection (d), "organization" means an association or nonprofit corporation authorized by the laws of this state that:

(A) Was established for the benefit of local government officials or counties, cities, towns, or other local governments or as a municipal bond financing pool;

(B) Receives dues, service fees, or any other income from local government officials or local governments that constitute at least thirty percent (30%) of its total annual income; and

(C) Is authorized under state law to obtain coverage for its employees in the Tennessee consolidated retirement systems.

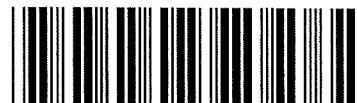
(2) The records of an organization are confidential and are not open for inspection under subsection (a) if the organization complies with the following requirements:

(A) The comptroller of the treasury or the comptroller's designee audits the organization annually;

(B) The cost of the audit is paid by the organization;



0839351817



\*004133\*

(C) Each audit is completed as soon as practicable after the end of the fiscal year of the organization; and

(D) In addition to other information required by the comptroller of the treasury, each audit contains:

(i) A listing, by name of the recipient, of all compensation, fees, or other remuneration paid by the organization, or any other organization during the audit year to, or accrued on behalf of, the organization's directors and officers;

(ii) A listing, by name of recipient, of all compensation and any other remuneration paid by the organization during the audit year to, or accrued on behalf of, an employee of the organization who receives more than twenty-five thousand dollars (\$25,000) in remuneration for such year;

(iii) A listing, by name of beneficiary, of deferred compensation, salary continuation, retirement, or other fringe benefit plan or program (excluding qualified health and life insurance plans available to all employees of the organization on a nondiscriminatory basis) established or maintained by the organization for the benefit of any of the organization's directors, officers, or employees, and the amount of any funds paid or accrued to such plan or program during the audit year; and

(iv) A listing, by name of recipient, of all fees paid by the organization during the audit year to a contractor, professional advisor, or other personal services provider, which exceed two thousand five hundred dollars (\$2,500) for such year. Such listing must also include a statement as to the general effect of each

contract and must include each specific amount paid or payable thereunder.

(3) An audit conducted under subdivision (d)(2) must be made available for public inspection and copies of such audit must be made available to the press.

(4) The records of the following organizations are confidential and not subject to this subsection (d):

(A) An organization that employs less than three (3) full-time staff members; and

(B) An organization that was exempt from federal income taxation under § 501(c)(3) of the Internal Revenue Code, codified in 26 U.S.C. § 501(c)(3), as of January 1, 1998, and which makes available to the public its federal return of organization exempt from income tax (Form 990) in accordance with the Internal Revenue Code and related regulations.

(5) Subdivisions (d)(2)(D)(i)-(iv) do not require the disclosure of compensation or remuneration paid to a lobbyist registered with the Tennessee ethics commission who is registered to lobby for other employers in addition to being registered to lobby for the organization.

(6) Subdivisions (d)(2)(D)(i)-(iv) do not require the disclosure of compensation or remuneration paid to an attorney who is employed by a law firm and performs legal work for other employers in addition to performing legal work for the organization. This subdivision (d)(6) does not prohibit a requestor from obtaining the amounts of compensation or remuneration paid to an attorney on behalf of a political subdivision if the requestor requests the information directly from the political subdivision.

SECTION 2. Tennessee Code Annotated, Section 29-20-401(g)(1), is amended by deleting the subdivision and substituting instead the following:

An insurance pool, special fund, reserve fund, or legal or administrative entity administering any such pool or fund created and authorized under this section must be audited annually by the comptroller of the treasury or the comptroller's designee. The commissioner of commerce and insurance shall assist the comptroller in the audit upon the written request by the comptroller.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**AMEND Senate Bill No. 746**

**House Bill No. 78\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 25, is amended by deleting the chapter.

SECTION 2. Tennessee Code Annotated, Section 4-56-103(a)(2), is amended by deleting the language ", and the chief procurement officer shall keep a permanent and accurate record of all of its proceedings" and adding the following language at the end of the subdivision:

The chief procurement officer shall keep a permanent and accurate record of the documents submitted to the committee regarding protests of solicitations. The commissioner of finance and administration shall keep a permanent and accurate record of the minutes, procedures, and proceedings of the committee.

SECTION 3. Tennessee Code Annotated, Section 12-3-305(c), is amended by deleting the language "maximum liability or total estimated purchase by agencies of state government" and substituting instead the language "total estimated scope or volume".

SECTION 4. Tennessee Code Annotated, Section 12-4-113(c), is amended by deleting the subsection and substituting instead the following:

(c) This section does not apply to the central procurement office, to any procurement conducted pursuant to chapter 3 of this title, to any department of transportation contracts, or to any state or local agency contracts funded in whole or in part with state or federal highway funds.

SECTION 5. Tennessee Code Annotated, Section 12-4-118, is amended by deleting the section and substituting instead the following:



0885749394



\*005448\*

(a) Notwithstanding any law to the contrary, state agencies, in consultation with the department of general services, and in accordance with policies established by the state building commission and state funding board, may enter into an energy performance or guaranteed savings contract using alternative procurement or contracting vehicles, including, but not limited to, existing in-state and out-of-state government contracts that have been competitively procured, that incorporate energy or utility savings into the scope of work to be performed under the contract, and that expressly authorize other contracting entities to execute contracts or price agreements under the terms and conditions of the master contract on behalf of a department, institution, agency, or campus having control of, or responsibility for, the management or operation of buildings and facilities; provided, that the contract award meets the requirements of § 12-4-110 relative to energy-related service contracts for counties, cities, metropolitan governments, towns, utility districts, and other municipal and public corporations of this state. Such contracts are subject to approval by the state building commission. Agencies shall make reasonable efforts to ensure that small businesses are not disadvantaged in the determination of a qualified energy services provider.

(b) Projects implemented under an energy performance or guaranteed energy savings contract under subsection (a) may include, but are not limited to, the following energy or utility conservation measures:

- (1) Building envelope weatherization;
- (2) Building automation controls;
- (3) Lighting retrofits and controls;
- (4) Water conservation, HVAC, chiller plant, boiler plant, or other mechanical modifications;
- (5) Submetering to measure performance of controls or systems; and
- (6) Other energy or utility conservation measures that would result in cost savings.

(c) For the duration of each individual contract, an annual measurement and verification audit utilizing generally accepted auditing standards, such as the International Performance Measurement and Verification Protocol, must be conducted, and the related audit report must include, but not be limited to, energy or utility savings achieved, energy or utility savings targets met or exceeded, energy or utility savings targets missed, and guarantees paid by the energy service company executing the contract. The annual measurement and verification audit must be conducted by, and the related audit report must be prepared by, a third party at the expense of the energy service company executing the contract. Each audit report must be submitted annually by the state department, institution, or agency that has entered one (1) or more energy performance or guaranteed energy savings contracts to the department of environment and conservation's office of energy programs within thirty (30) days following the close of the fiscal year. The department of environment and conservation's office of energy programs shall submit the data to the governor, the commissioner of environment and conservation, state procurement agencies, the state building commission, the comptroller of the treasury, the speaker of the senate, and the speaker of the house of representatives no later than August 31 for each year in which each energy performance or guaranteed energy savings contract is executed and in effect.

(d) Notwithstanding any law to the contrary, any energy service company executing an energy performance contract or a guaranteed energy savings contract shall provide a written guarantee that the operational, energy, or utility savings produced by such contract during each year of the contract will be sufficient to pay for the financing repayment costs for that year. The energy service company shall post a performance bond, letter of credit, or similar surety with the procurement agency for a term of up to three (3) years and that may be renewed for subsequent terms of up to three (3) years to insure the guaranteed savings over the contract term. The costs associated with the energy performance or guaranteed energy savings contract may be financed by a third-

party installment payment agreement, tax exempt lease purchase agreement, or other appropriate financing agreement arranged by the energy service company for a term of up to the lesser of twenty (20) years or the aggregate weighted expected useful life of the items that are the subject of the agreement. The financing agreement must provide that the state procurement agency may terminate the agreement if sufficient funds are not appropriated to the state procurement agency in any fiscal year during the term of the contract to make the payments under the contract.

(e) Notwithstanding any law to the contrary, this section is not applicable to energy-related service contracts for institutions of higher education, or for counties, cities, metropolitan governments, towns, utility districts, and other municipal and public corporations of this state.

SECTION 6. This act takes effect upon becoming a law, the public welfare requiring it.



Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 681**

**House Bill No. 241\***

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 57, Chapter 4, Part 1, is amended by adding the following new section:

(a) Notwithstanding any law to the contrary, a restaurant, limited service restaurant, or wine-only restaurant licensed under this chapter may offer drive-through, pickup, and carryout orders of alcoholic beverages and beer at the licensee's place of business if the sale of alcoholic beverages and beer for consumption off the licensee's premises:

(1) Is accompanied by the sale of prepared food in the same order;

(2) Is packaged in a bottle or can with a secure cap or in a container that is secured by tape which secures the lid, covers any openings in the lid, and which would show that it has been opened; and

(3) Consists of, per purchase, not more than:

(A) A single serving of alcoholic beverages, not to exceed sixteen fluid ounces (16 fl. oz.), or beer as authorized by the local beer board; or

(B) A container of wine that may be lawfully sold within this state.

(b) A licensee selling alcoholic beverages and beer under this section shall post a conspicuous sign containing the following language:

**A driver shall not consume alcoholic beverages or beer while operating a motor vehicle in this state.**

(c) This section does not authorize a licensee to sell bottles of distilled spirits.



0113308117



\*005605\*

(d) An employee of a licensee shall not provide alcoholic beverages or beer to a person under twenty-one (21) years of age or who is visibly intoxicated. An employee of a licensee who is providing alcoholic beverages or beer shall inspect a valid, government-issued photo identification card that is acceptable to the licensee and that contains the photograph and birthdate of the purchaser confirming that the purchaser is at least twenty-one (21) years of age.

(e) Sales of alcoholic beverages and beer made under this section must be in accordance with the hours for sale of alcoholic beverages under § 57-4-203(d) or beer under § 57-5-301(b), as applicable.

(f) A licensee shall collect the liquor by the drink tax imposed on alcoholic beverages under § 57-4-301(c)(1) for all sales of alcoholic beverages made under this section in accordance with § 57-4-301(c)(2). A licensee shall not collect such tax on the sale of beer.

(g) As used in this section, "licensee" means a restaurant, limited service restaurant, or wine-only restaurant licensed under this chapter to sell alcoholic beverages and beer by the drink for consumption on the premises.

SECTION 2. Tennessee Code Annotated, Section 57-4-203(e), is amended by adding the following new subdivision:

(5) Notwithstanding this subsection (e) to the contrary, in addition to any manner in which a licensee may sell alcoholic beverages or beer under this subsection (e), a restaurant, limited service restaurant, or wine-only restaurant licensed under this chapter may sell alcoholic beverages and beer in accordance with SECTION 1 of this act.

SECTION 3. Tennessee Code Annotated, Section 57-4-203(f), is amended by deleting the period at the end of the sentence and substituting instead "other than the sale of alcoholic beverages and beer in accordance with SECTION 1 of this act."

SECTION 4. This act is only effective in jurisdictions that have passed referenda authorizing the retail sale of liquor and the sale of liquor by the drink under Tennessee Code Annotated, Title 57.

SECTION 5. This act takes effect July 1, 2021, the public welfare requiring it. The provisions contained in this act terminate on July 1, 2023, and the law in effect prior to this act's effective date must be restored.

Amendment No. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**AMEND Senate Bill No. 664**

**House Bill No. 720\***

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

by inserting the following new section immediately preceding the last section and renumbering the subsequent section accordingly:

SECTION 2. Tennessee Code Annotated, Section 3-17-115, is amended by adding the following as a new subsection:

(c) The secretary of state shall promulgate rules to regulate bingo. The rules must include limits on prizes, prohibitions on hiring entities to run the bingo games, requirements that the bingo games be conducted by volunteers, and any other rules the secretary deems necessary to maintain safety and fairness.



0924358542



\*004554\*